

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

TY A. HANSON,

Plaintiff,

v.

KEVIN OTROWSKI, SCOTT PARKS, JEFF JAEGER,
JEFF ZWICKY, JAMES TOTH,
MATTHEW SCHEFFLER, TOM R. POSPYHALLA,
MATTHEW MIELKE, DAVE MANNINAN,
MARLA REIMANN, TINA HOSE,
PAM STEPHANHGEN, JOHN DOE MARATHON
COUNTY JAIL STAFF, JOHN DOE LINCOLN
COUNTY JAIL STAFF, and JOHN DOE
ROTHSCHILD POLICE DEPARTMENT OFFICERS,

Defendants.

ORDER

17-cv-756-jdp

Plaintiff Ty A. Hanson, appearing pro se, alleges that law enforcement officers and other staff from the Rothschild Police Department, Marathon County Jail, and Lincoln County Jail failed to properly treat his injuries when he was taken into custody following a June 2013 car accident. This is the second lawsuit that Hanson has filed about the incident; I dismissed case No. 15-cv-194-jdp without prejudice for Hanson's failure to prosecute it after he failed to respond to an order or give the court his updated address. *See* Dkt. 14 in the '194 case. Hanson later told the court that he still wished to pursue his claims under a new case number, so his complaint was docketed in a new case, No. 17-cv-756-jdp.

For a time, Hanson diligently prosecuted the new case. But he failed to attend his July 25, 2019 deposition and he did not explain to defendants or the court his reason for failing to attend. The Marathon County defendants filed a motion to dismiss the case for Hanson's failure to prosecute it. Dkt. 117. The court responded by ordering Hanson to appear for a

deposition by August 23. Dkt. 128. The court told Hanson that failure to appear would result in dismissal of the lawsuit. *Id.* The Marathon County defendants rescheduled a deposition for August 16, 2019, but Hanson did not appear at the deposition or contact defendants or the court. *See* Dkt. 129. Hanson also failed to respond to a motion for summary judgment filed by the Lincoln County defendants. Dkt. 121.

The Marathon County defendants have renewed their motion to dismiss the case, Dkt. 129. I will grant that motion and dismiss the case for Hanson's failure to prosecute it. That dismissal will be with prejudice because of the amount of effort the various sets of defendants have already put into responding to Hanson's complaint, and because this is the second time that Hanson has failed to prosecute these claims. The dismissal with prejudice means that Hanson will not be able to bring claims about the June 2013 incident a third time.

ORDER

IT IS ORDERED that:

1. The Marathon County defendants' renewed motion to dismiss the case, Dkt. 129, is GRANTED. The case is DISMISSED with prejudice for plaintiff Ty A. Hanson's failure to prosecute it.
2. The clerk of court is directed to enter judgment for defendants and close this case.

Entered September 19, 2019.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge